IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No.1686 of 2007

Between:

M/s.Kimberly Clarke Lever Limited,
Bachupally, Ranga Reddy District,
Rep. by its Manager-Sales Tax, Mr.Y.Mani.

..... PETITIONER

AND
1.The Commercial Tax Officer,
Hydernagar Circle, Hyderabad and another.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.1686 of 2007

Order: ***(Per Hon'ble Sri Justice Bilal Nazki)***

Pending appeal before the appellate authority against an order dated 27-06-2005 imposing penalty of Rs.6,48,945/-, stay was not granted by the competent authority and the petitioner filed a Writ Petition being W.P.No.26162 of 2005. This Court disposed of the said writ petition on 08-12-2005 directing that on payment of 25% of the liability by the petitioner, the recovery shall not be made

till disposal of the appeal. Now, that appeal has been disposed of and a Second Appeal has been filed.

The writ petitioner wants that the stay granted by this Court in W.P.No.26162 of 2002 be continued till the disposal of the Second Appeal as he has already deposited 25% of the liability.

Since 25% of the liability has already been paid and the Second Appeal is pending, we direct that the order passed in W.P.No.26162 of 2005 shall remain operative till the Second Appeal is disposed of.

The Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, J)

1st February, 2007

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(Nooty Ramamohana Rao, J)

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